

E-FILED on 3/28/2012

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

REUBEN JOSEPH REYES,

Plaintiff,

v.

ROBERT A. HOREL, et al.,

Defendants.

No. C-08-04561 RMW

ORDER DENYING DEFENDANTS'
MOTION FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION**[Re Docket No. 134]**

On March 7, 2012, the court granted in part and denied in part defendants' motion for summary judgment. Defendants move for leave to file a motion for reconsideration of the finding that plaintiff's due process claim for equitable relief is not moot. After the court issued its ruling, defendants learned that on January 17, 2012, the state superior court denied plaintiff's challenge to his 2009 gang validation. However, this is insufficient to show that plaintiff has no further avenues to challenge his 2009 validation, and he may yet prevail in having that determination vacated. Thus, defendants have not presented a basis for reconsideration, and the motion for leave is DENIED.

DATED: March 28, 2012


RONALD M. WHYTE
United States District Judge